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Attorney for Defendants
Ripple Labs Inc., XRP II, LLC, Bradley
Garlinghouse, Christian Larsen, Ron Will,
Antoinette O'Gorman, Eric van Miltenburg,
Susan Athey, Zoe Cruz, Ken Kurson, Ben
Lawsy, Anja Manuel, and Takashi Okita

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE RIPPLE LABS INC. LITIGATION

CASE NO.: 3:18-cv-06753-PJH

VLADI ZAKINOV, DAVID OCONER, &
AVNER GREENWALD, individually and on
behalf of all others similarly situated,

**DEFENDANTS' RESPONSE TO
STANDING ORDER REGARDING
REMOVED CASES**

Plaintiff,

v.

RIPPLE LABS INC., et al.,

Defendants.

1 In response to the Court's Standing Order re Removed Cases, Defendants Ripple Labs Inc.
2 ("Ripple"), XRP II, LLC ("XRP"), Bradley Garlinghouse, Christian Larsen, Ron Will, Antoinette
3 O'Gorman, Eric van Miltenburg, Susan Athey, Zoe Cruz, Ken Kurson, Ben Lawskey, Anja Manuel,
4 and Takashi Okita (collectively, "Defendants") submit the following information:

5 1. All Defendants served at the time of removal joined in the Notice of Removal.

6 2. The Notice of Removal was not dated more than thirty days after the first defendant
7 was served with an order from which it could be ascertained that this action became removable.
8 (ECF No. 2) Pursuant to 28 U.S.C. § 1446(b)(3), "if the case stated by the initial pleading is not
9 removable, a notice of removal may be filed within thirty days after receipt by the defendant,
10 through service or otherwise, of a copy of an . . . order or other paper from which it may first be
11 ascertained that the case is one which is or has become removable." This action was initially not
12 removable, but it became removable on October 31, 2018, when the judge of the Superior Court of
13 California for the County of San Mateo entered an order consolidating Greenwald vs. Ripple Labs
14 Inc., No. 18-CIV-03461 (Cal. Super. Ct., San Mateo Cty.) with In re Ripple Labs Inc Litigation,
15 Lead Case No. 18-CIV-02845 (Cal. Super. Ct., San Mateo Cty.) ("Consolidation Order"). The
16 Notice of Removal was dated November 7, 2018, less than thirty days after the court entered the
17 Consolidation Order.

18 3. Defendants did not remove this action on the grounds of diversity jurisdiction under
19 28 U.S.C. § 1332(a). Defendants removed this action pursuant to the Class Action Fairness Act
20 ("CAFA"), 28 U.S.C. §§ 1332(d), 1453. CAFA provides that a class action meeting its
21 requirements may be removed "without regard to whether any defendant is a citizen of the State in
22 which the action is brought." 28 U.S.C. § 1453(b). As set forth more fully in Defendants' Notice of
23 Removal (ECF No. 2), the action meets CAFA's requirements because it is a worldwide putative
24 class action brought on behalf of more than 100 alleged class members, in which minimal diversity
25 exists between any member of the putative class of plaintiffs and Defendants and more than \$5
26 million is in controversy. See 28 U.S.C. §§ 1332(d)(2), (d)(2)(A), (d)(5)(B).

27 4. Defendants did not remove this action on the grounds of diversity jurisdiction under
28 28 U.S.C. § 1332(a). Defendants removed this action pursuant to CAFA, 28 U.S.C. §§ 1332(d),
1453. CAFA requires only minimal diversity. Minimal diversity under CAFA exists when "any

1 member of a class of plaintiffs is a citizen of a State different from any defendant" or when "any
2 member of a class of plaintiffs is a . . . citizen . . . of a foreign state and any defendant is a citizen
3 of a State." 28 U.S.C. § 1332(d)(2)(A), (B). Plaintiffs Zakinov and Oconer are purportedly
4 citizens of California. Plaintiff Greenwald is purportedly a resident of Israel. The putative class
5 Plaintiffs purport to represent consists of citizens of states throughout the United States and the
6 world. Defendant Takashi Okita is a citizen of Japan, Ken Kurson is a citizen of New Jersey, Zoe
7 Cruz is a citizen of New York, Ben Lawskey is a citizen of New York. Defendants Ripple, XRP,
8 Bradley Garlinghouse, Ron Will, Antoinette O'Gorman, Eric van Miltenburg, Susan Athey,
9 Christian Larsen, and Anja Manuel are citizens of California.

10 DATED: November 16, 2018

11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

12 By: /s/Peter B. Morrison
13 Peter B. Morrison
14 Attorney for Defendants
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